

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

SHEILA J. PORTER,
Plaintiff

v.

ANDREA J. CABRAL; SUFFOLK
COUNTY SHERIFF'S DEPARTMENT;
and
SUFFOLK COUNTY,
Defendant

DOCKET NO.
04-11935-DPW

DEFENDANTS' PROPOSED JURY VERDICT FORM

A. Federal Civil Rights (§1983) Claim Against Andrea Cabral In Her Individual Capacity

1. Did the Plaintiff Shelia Porter establish by a preponderance of the evidence that her protected speech in relaying inmate Rosario's allegations of abuse to the FBI was a substantial or motivating factor in Defendant Andrea Cabral's decision to bar the Plaintiff from the Suffolk County House of Correction?

Answer: Yes _____ No _____

If you answered "Yes" go to question No.2.
If you answered "No" go to question No. 4.

2. Did the Defendant Andrea Cabral establish by a preponderance of the evidence that she would have barred Shelia Porter from the Suffolk County House of Correction even if Porter had not relayed inmate Rosario's allegations of abuse to the FBI?

Answer: Yes _____ No _____

If you answered "Yes" go to question No. 4.
If you answered "No" go to question No. 3.

B. Federal Civil Rights (§1983) Claim Against Suffolk County Through Its Sheriff's Department

Answer Question 3 only if you responded "Yes" to Question No. 1 and "No" to Question No. 2.

3. Did the Plaintiff establish by a preponderance of the evidence that it was a policy of the Suffolk County Sheriff's Department to retaliate against individuals that exercised First Amendment rights and that it was pursuant to this unconstitutional policy and for no other reason that Defendant Andrea Cabral decided to bar Shelia Porter from the Suffolk County House of Correction?

Answer: Yes _____ No _____

Proceed

C. Tortious Interference Claim Against Andrea Cabral

4. Did the Plaintiff establish by a preponderance of the evidence that the Defendant Andrea Cabral intentionally interfered with the Plaintiff's employment with Correctional Medical Services, Inc?

Answer: Yes _____ No _____

If you answered "Yes" go to question No. 5.

If you answered "No" go to question No. 6.

5. Did the Plaintiff establish by a preponderance of the evidence that Defendant Andrea Cabral's interference was done with actual malice, spite or a malignant purpose and unrelated to any legitimate interest of the Suffolk County Sheriff's Department?

Answer: Yes _____ No _____

Proceed

D. Damages

Answer Question 6 only if you answered "No" to Question 2.

6. Do you find that the Plaintiff Shelia Porter has established by a preponderance of the evidence that the Defendant Andrea Cabral acted with malice, evil intent and spite or acted with a callous and reckless disregard to the Plaintiff's federally protected rights?

Answer: Yes _____ No _____

7. If you answered "No" to Question 2 or "Yes" to Question 5:

What damages do you assess against Defendant Andrea Cabral?

a. Nominal damages:

(Amount in words)

(Amount in figures)

b. Actual damages, if any:

(Amount in words)

(Amount in figures)

8. If you answered "Yes" to Question 3:

What damages do you assess against Defendant Suffolk County through the Suffolk County Sheriff's Department?

a. Nominal damages:

(Amount in words)

(Amount in figures)

b. Actual damages, if any:

(Amount in words)

(Amount in figures)

9. If you answered "Yes" to Question 6:

Do you choose to award punitive damages against Defendant Andrea Cabral?

If yes:

(Amount in words)

(Amount in figures)

Respectfully Submitted,
For the Defendants
By their Attorney

/s/ Ellen M. Caulo
Ellen M. Caulo
B.B.O. # 545250
Deputy General Counsel
Suffolk County Sheriff's Department
200 Nashua Street
Boston, MA 02114
(617) 961- 6681

Date: January 10, 2006